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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: September 21, 2004 Name: John C. Freeman Signature: *John C. Freeman*

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Dieter Michel et al.

Appln. No.: 09/365,118

Examiner: Lyons, Michael A.

Filed: July 30, 1999

Art Unit: 2877

For: ROTARY POSITION MEASURING SYSTEM

Attorney Docket No: 56/327

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Amendment Pursuant To 37 C.F.R. § 116
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.
- ☐ A check in the amount of \$_____ to cover the extension filing fee is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

September 21, 2004
September 21, 2004

Respectfully submitted,

John C. Freeman
John C. Freeman (Reg. No. 34,483)



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Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on September 21, 2004

Name of Registered Representative:

John C. Freeman
John C. Freeman, Reg. No. 34,483

September 21, 2004
Date of Signature

PATENT
CASE NO. 56/327

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
)
Dieter Michel et al.)
) Group Art Unit: 2877
Serial No.: 09/365,118)
) Examiner: Lyons, Michael A.
Filed: July 30, 1999)
)
For: ROTARY POSITION)
MEASURING SYSTEM)

AMENDMENT PURSUANT TO 37 C.F.R. § 116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed on August 24, 2004. The proposed amendment is necessary and was not earlier presented because it responds to new arguments/interpretations of the claims. This Amendment is necessary to clarify Applicants' invention in view of the new arguments/interpretations of the claims. Since the amendments to the claims are not deemed to change the meaning or the scope of the claims, it is not believed that the amendments will require a new search nor will raise new issues. In addition, the clarified claims

clearly are patentable over the art of record and so the issues for Appeal have been reduced.

Accordingly, please amend claims 1, 13 and 17 as follows: